

BOARD OF HEALTH
Bangs Community Center: Room 101
Minutes

September 2, 2010

BOH Members: David Ahlfeld, Maria Bulzacchelli, Nancy Gilbert, David Kaufman

Staff: Gary Courtemanche, Julie Federman, Pamela Field-Sadler

Other: Amherst Planning Director Jonathan Tucker

Meeting opened at 7:05 p.m.

Chairman Ahlfeld shared a note of thanks from Sandy Sulsky with the Board of Health members.

I. Review & Receive

A. Meeting Minutes

1. Meeting Minutes from June 17, 2010 - **Approved**

Vote: Ahlfeld – aye; Bulzacchelli – aye; Gilbert – aye; Kaufman – abstain

2. Meeting Minutes from July 22, 2010 – **Approved as amended**

Vote: Ahlfeld – aye; Bulzacchelli – aye; Kaufman – aye; Gilbert – abstain

II. New Business

A. Electronic Cigarette Device

The Board of Health (BOH) reviewed correspondence from Attorney D.J. Wilson regarding electronic cigarette devices and the approaches taken by several municipalities to regulate the devices and other nicotine delivery products. The BOH agreed, at this time, there is not enough available data on these products to determine the effects on human health. Ms. Federman will obtain the language being considered to regulate such products in the town of South Hadley, MA. Ms. Federman will send this information to the BOH prior to the next meeting.

III. Old Business

A. Rental Registration

Amherst Planning Director Jonathan Tucker in attendance.

Mr. Tucker, who along with Ms. Federman, is a member of the Housing Team assembled by the Town Manager. The goal of the Housing Team is to improve the quality of the Amherst housing stock, including rental properties. Amherst's existing housing regulations include: the Zoning Bylaw; enforcement of state building and fire codes; enforcement of the state health code; the Amherst Rental Registration regulation. Currently Health Department inspections are complaint driven; Health inspectors must have permission to enter a residence, or obtain an Administrative Search Warrant through the Housing Court. The Housing Team suggests the Rental Registration regulation needs to be strengthened, as well as include a mechanism for completing regular inspections. Charging a modest fee could off-set the cost of maintaining the rental registration system and the

inspections. The concern was raised that mandating inspections without complaint could be in violation of the Fourth Amendment of the United States Constitution. An “opt-out mechanism” was suggested; tenants could have the option of refusing an inspection, or possibly complete a self-inspection. An education campaign was also suggested; tenants could learn about home safety. Ms. Federman will collect rental regulations from other towns for review, and provide insight to the BOH how the current Rental Registration system could be improved.

B. Keeping of Livestock and Poultry

Amherst Planning Director Jonathan Tucker in attendance.

Mr. Tucker explained a request has been made to amend Section 5.014 of the Zoning Bylaw to allow greater leniency to keep livestock and poultry. The draft amendment allows for the keeping of livestock and poultry in the Outlying Residence (R-O) and Low-Density Residence (R-LD) Districts. In the General Residence (R-G), Village Center Residence (R-VC) and Neighborhood Residence (R-N) Districts, domesticated rabbits and fowl may be raised with the allowable number of animals determined by the size of the property. Other raising and keeping of livestock or poultry in the R-G, R-VC and R-N Districts would require a Special Permit. A Public Hearing will be held September 15, 2010 to receive public comment regarding the proposed amendment. Mr. Tucker suggested a tandem approach to this issue by the Zoning Board of Appeals (ZBA) and the Health Department: the ZBA would focus on appropriate land use; the Health Department could issue a permit creating a tracking system to monitor where livestock and poultry are being raised and housed in Amherst. The Board of Health (BOH) is responsible for human health; the management of livestock and poultry may be a better fit under the direction of the Animal Control Officer. The Animal Control Officer enforces state regulation; Ms. Federman will obtain the state regulations for review.

C. Board of Health Member Recruitment

Ms. Federman is waiting to hear from a community member if she is interested becoming a member of the Board of Health (BOH.) Several other people have been suggested and will be contacted by Ms. Federman if needed. The BOH agreed it is helpful to bring candidate names forth at a meeting in order to rule out any potential conflict of interest concerns.

D. Tobacco

1. Proposed Smoking Disclosure Regulation

The Board of Health (BOH) reviewed the recent draft of the proposed Smoking Disclosure Regulation, as well as the modifications suggested by Town Counsel. Ms. Field-Sadler will forward the current draft regulation to Chairman Ahlfeld and Ms. Bulzacchelli who will prepare a final draft for the BOH to review at their next meeting.

2. No Smoking Signage for Town Parks and Municipal Buildings

Ms. Federman will work with the town’s Information Technology Department (IT) and the Department of Public Works (DPW) to create “No Smoking” signage. Laminated paper signs can be created by IT for

hanging in the municipal buildings; metal signs can be created for a fee by the DPW for posting at the town parks.

3. Smoke-free Housing/Condo Seminar Proposal

The Tobacco Free Community Partnership & Wellness Program provides seminars for landlords who are considering establishing completely Smoke-free Policies. The seminar offers guidance to landlords in creating lease agreements and new policy implementation.

IV. Health Director's Report

A. Survival Center Dinner

The Health Department staff will be preparing and serving a meal at the Amherst Survival Center on September 23, 2010. The Board of Health (BOH) is invited to participate. Ms. Field-Sadler will send email reminders to the BOH.

B. Public Health Nurse Position

Carolyn Merriam is the new Public Health Nurse; Ms. Merriam is working 15 hours per week. Ms. Merriam is planning for the upcoming flu season.

V. Schedule Next Board of Health Meeting/Agenda Closing Date

A. The next Board of Health meeting is scheduled for September 30, 2010.

Meeting Adjourned: 9:15 p.m.

Pamela Field-Sadler, Management Assistant
Approved: September 30, 2010

Board of Health
September 2, 2010
Bangs Community Center: Room 101
Meeting Document List

The following documents were available to the Board of Health during their scheduled meeting. These documents are available for review at the:

Amherst Health Department, 70 Boltwood Walk, Amherst, MA 01002

- Meeting Agenda
- Meeting Minutes (2): June 17, 2010 (draft)
July 22, 2010 (draft)
- Electronic Cigarette Device
 1. Correspondence from Attorney D.J. Wilson
- Rental Registration
 1. Amherst Planning Director Jonathan Tucker provided a handout packet including:
Amherst Housing Regulations (Summary Sheet)
Student Housing in Amherst/Four Unrelated Amendment: A Summary of Significant Issues Identified to Date
Related Master Plan Objectives & Strategies
Town of Amherst Rental Property Registration Regulation
Town of Mansfield, CT – Code of Ordinances Rental Property
- Keeping of Livestock and Poultry
 1. Draft Article: Accessory Livestock and Poultry (dated: 8/12/10)
 2. Draft Article: Accessory Livestock and Poultry (dated: 9/1/10)
 3. Correspondence from Thomas Ehrgood
 4. Regulations for the Control of Animals in the Town of Westwood
- Tobacco
 1. Proposed Smoking Disclosure Regulation
 1. Draft of the proposed: *Town of Amherst Regulation Smoking Disclosure in Multi-Unit Rental Residences*
 2. Correspondence from Amherst Town Counsel Brian Winner
 3. Notes from communication with Attorney Wilson
 2. No Smoking Signage for Town Parks and Municipal Buildings
 1. Draft sample signage
 2. Inventory of Outdoor Parks and Recreation Areas
 3. Smoke-free Housing/Condo Seminar Proposal
 1. PowerPoint: *Market Demand for Smoke-Free Rules in Multi-Unit Residential Properties & Landlords' Experiences with Smoke-Free Rules*